5472787/2022/VIG-III-MAU01

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services – MA&UD Department – Disciplinary Proceedings initiated against Sri M. Mallaiah, former Asst.City Planner, Anantapur Municipal Corporation, Anantapuramu District – Enquiry conducted – Penalty of stoppage of Two Annual Grade Increments with cumulative effect imposed – Appeal filed against the penalty – Appeal allowed Punishment Modified – Orders – Issued.

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MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (Vig.III-2) DEPARTMENT

G.O.Rt.No.50 **Dated.01.02.2022**

Read the following:-

1. From DTCP, AP, Hyderabad Lr.Roc.No.10/2014/A/V.cell-1, dt.06.11.2014
2. G.O.Ms.No.46, MA&UD (Vig.II-2) Dept., dated.20.01.2015.
3. G.O.Rt.No.422, MA&UD (Vig.II-2) Dept., dated.14.06.2019.
4. Appeal Petition of Sri M.Mallaiah, former ACP., Dt.29.07.2019
5. Orders of the Hon'ble High Court of A.P. in its W.P.No.11662/2021, dt.29.11.2021
6. Govt.Memo.No.1449070/Vig.III/2021, dt.21.12.2021
7. Written arguments filed by Sri M.Mallaiah, former Asst.City Planner, Anantapuram Municipal Corporation, Anantapuramu, dt.28.12.2021

ORDER:

In the reference 3rd above, orders were issued imposing a major penalty of "stoppage of two Annual Grade Increments with cumulative effect" against Sri M.Mallaiah, former Asst.City Planner, Ananthapuram Municipal Corporation, Ananthapuramu District, since the charges were held proved in the Inquiry.

2. Aggrieved by the above orders, Sri M. Mallaiah, the then ACP., submitted an appeal petition vide reference 4th read above, through Director of Town Country and Planning, Manalagiri which was obtained by the Government on 28.12.2021.

3. In the reference 5th read above, the Hon'ble High Court of Andhra Pradesh in its order, dt.29.11.2021, directed the 1st respondent to dispose of the appeal petition preferred by the petitioner within a period of (4) weeks, after giving due opportunity of hearing to the Petitioner.

4. In view of the directions of Hon'ble High Court of AP, Government vide reference 6th read above, the appellant Sri M.Malliah, former ACP, Ananthapuram, has been directed to appear before the Special Chief Secretary to Government to present his case on dt.28.12.2021. Accordingly, the applicant has appeared before the Special Chief Secretary to Government on the said date and also presented his case.

5. During the personal hearing, Sri M.Malliah, former ACP, Ananthapuram, has stated that the punishment imposed against him is a harsh one and the proven/partly proven charges are not in grave nature and there is no financial loss to the Local Body. The main issue in this case is that a complaint was by one individual before the Town Planning Wing and the Hon'ble Lokayukta, who had some grievance against the builder and requested for demolition of the 5th floor and 2 shop rooms constructed in Sri Paradize Apartment in deviation with the Plan. He mentioned that the said building permission was accorded by his predecessor on 05.06.2010 i.e., before his joining into duty as ACP (FAC). He kept incharge for 6 months as ACP and again posted as ACP., on 20.07.2012. As per the complainant, the said constructions were completed before 27.08.2012, which is prior to his joining date and the builder had also not taken/issued certificate to that effect. Based on the orders of Hon'ble Lokayukta, he issued notices on 27.04.2013, 06.05.2013, 13.05.2013 and 14.05.2013 for demolition of deviated portions. He made personal visits also in this regard. However, the relevant file has been misplaced by the concerned clerk and his office also lodged a complaint in Police Station. He also made efforts in broke down the certain deviated areas and furnished xerox copies of photos. When they are demolishing deviated areas, the flat owners approached the then Municipal Commissioner seeking time for extension of time of (30) days time for relief. The then Commissioner, who was the competent authority, granted (15) days time in the first instance on 25.05.2013. After completion of (15) days time, he again went to the Apartment for

further action and the flat owners again approached the then Commissioner for further extension of time and he had lastly granted (7) days time on 17.06.2013. During the interrungum period, the flat owners got interim orders from the Hon'ble High Court on 19.06.2013 staying the demolition notices. As such, he could not proceed for further action during his stay. Counter has also been filed. He acted as per the procedure and rules. However, he was punished with a penalty of (2) Annual Grade Increment with cumulative effect, which is a harsh one and not in accordance with the gravity of the case and no action was initiated against the Municipal Commissioner, who is the competent authority for granting/extension of time to the flat owners. Hence, he has requested to consider his appeal and written arguments and to exonerate from the charges.

6. Government have examined the written representation and arguments of the applicant and observed that building permission was not granted by the applicant. There is no record to prove that the building & shop rooms were constructed during the (38) days of duty period of applicant. It is also a fact that the then Municipal Commissioner granted/extension of time to the flat owners for demolition of deviated areas at their own cost. As per the AP Municipal Act, the Municipal Commissioner is the competent /authorized authority for issuance of notices for demolition of deviated portions. During the extension of time only, the Flat Owners got stay orders from the High Court and as such the applicant could not proceed further. In view of the orders of competent authority, he can not move further and he shall not be made sole culprit in this issue. However, it was found from the relevant file and observation of the Inquiring Authority that the applicant dragged the issue by issuing notices again and again not made effort to demolish the deviated portions and in the meantime the flat owners got stay orders. Hence, the plea of the applicant that the punishment was harsh and not in accordance with gravity of charges/findings of IA., is considerable and needs consideration.

7. Government after careful examination of the matter have decided to revise the penalty of stoppage of two annual grade increments with cumulative effect imposed against Sri M.Mallaiah, former Asst.City Planner, Ananthapuram Municipal Corporation, Ananthapuramu District, to that of stoppage of two annual grade increments without cumulative effect, since the punishment is not in accordance with gravity of the case but the he dragged the issue.

8. Accordingly, Government hereby allow the appeal petition of Sri M.Mallaiah, former Assistant City Planner, Anantapuram Municipal Corporation, Anantapuram District by modifying the punishment of Two Annual Grade Increments with cumulative effect as ordered in G.O.3rd above, to that of **"Stoppage of Two annual grade increments without cumulative effect".**

9. Accordingly, the appeal petition of Sri M.Mallaiah, former Assistant City Planner is disposed of and the orders of High Court are complied with.

10. The Director of Town and Country Planning, AP, Mangalagiri shall take further necessary action in the matter accordingly.

11. The receipt of G.O., shall be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Y.SRILAKSHMI
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri M. Mallaiah, former Asst.City Planner, Anantapur Municipal Corporation,
Anantapuramu – **through** the DTCP, AP, Guntur.
The Director of Town & Country Planning, A.P, Guntur.
The RDMA, Anantapuramu.
Copy to:
The Commissioner, Anantapur Municipal Corporation.
Sf/Sc (1449070)

// FORWARDED :: BY ORDER //

SECTION OFFICER